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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,994	12/19/2000	Freeland Glen Young III	52493.000131	2704
7590 09/11/2006			EXAMINER	
Hunton & Williams 1900 K Street, N.W. Washington, DC 20006-1109			LE, UYEN T	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/738,994	<b>Applicant(s)</b> YOUNG ET AL.	
	<b>Examiner</b> Uyen T. Le	<b>Art Unit</b> 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3-21-01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 21 July 2006 has been entered.

### ***Drawings***

2. Applicant's response to the objection to the drawings has been considered. However, it is noted that Figure 1 of the formal drawings filed on 21 March 2001 does not show labels of all the blocks. The blocks are referenced by a numeral but there is no descriptive label for ready identification.

Figure 3, step 74 seems to be different from the hand-drawn Figure 3 originally submitted. Step 74 still does not end with a question mark as stated by the applicant. Step 74 now shows one branch labeled "no" but no branch labeled "yes". Furthermore, it seems there are too many "yes" branches. Therefore, objection to the drawings is maintained.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Response to Arguments***

3. Applicant's arguments filed 21 July 2006 have been fully considered but they are not persuasive. Applicant argues that the examiner appears to be arguing that each of the claimed recitations is inherent in AAPA. In response, the examiner asserted that all claims are obvious over AAPA in view of Loofbourrow et al (US 6,505,183), not that each claimed recitations is inherent in AAPA.

Applicant argues that in relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. In response, the examiner already addressed the inherency issue raised by applicant in the previous Office Action. The step of "providing one or more instructions for receiving the representative appointment information" for

example merely reads on the fact that the computer-aided method of AAPA receives representative appointment. A computer can only operate based on instructions it receives. A computer-aided method cannot receive any information if it is not instructed to do so. Similarly, if the computer-aided method does not receive any instructions for analyzing and sorting the received information, it cannot possibly perform any sorting and analysis on the information. The same reasoning applies for the claimed step of "providing one or more instruction fro saving the received representative appointment information". Since AAPA receives information, analyzes, sorts and saves the information, the instructions have to be given as claimed.

Applicant further argues that Loofbourrow does not make up for AAPA's failure to disclose the above recitations. In response, the examiner disagrees. AAPA disclose all the claimed subject matter except presenting an interactive display of the representative appointment and means to allow access to the displayed representative appointment information. Loofbourrow in the same field of endeavor of verification of personnel information discloses accessing human resource knowledge via the Internet. Since the Internet is widely used and readily available, it would have been obvious to one of ordinary skill in the art to include the claimed interface while implementing the method of AAPA in order to allow ready access to information using the convenience of the Internet as taught by Loofbourrow. Furthermore, applicant seems to ignore the capability of one of ordinary skills in the art. One of ordinary skill in the art presumably knows something in the art apart of what is explicitly shown and suggested in a reference and know how to apply the principles taught in a reference in different

circumstances. In the present case, since AAPA shows a computer-aided method for verifying representative appointment and Loofbourrow teaches an interactive interface for managing human resources over the Internet, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Loofbourrow into the knowledge of AAPA in order to benefit from the advent of the Internet to manage personnel information.

Regarding claim 2-11, 13-22, 24-33, applicant presents no further argument except they should be allowable because they depend from claims 1, 12 or 23.

Regarding claim 34, applicant argues that none of the cited references teach or suggest the one or more instruction for (1) receiving the representative appointment information, (2) analyzing and sorting the received representative appointment information and (3) saving the received representative appointment information, are provided by a user to an application server having a processor module. In response, the examiner disagrees. The one or more instructions has to be provided in that manner since the method of AAPA as modified by the teachings of Loofbourrow allows a user to update appointment information over the Internet (see 0004 AAPA and Figure 1 of Loofbourrow).

For all the reasons discussed above, rejection to all claims is maintained using the references of record and hereby repeated.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) at pages 1-2 of record, in view of Loofbourrow et al (US 6,505,183) of record.

Claims 1, 2 merely recite what is being done by AAPA at paragraph 0004. AAPA clearly teaches that the method is done with the support of a computerized database system at paragraphs 0003, 0004.

The claimed "providing one or more instructions for receiving the representative appointment information" has to be present for the computer aided method of AAPA to receive representative appointment information.

The claimed "providing one or more instructions for analyzing and sorting the received representative appointment information" is met by the fact that the information received is used to maintain and update a set of paper files with the support of a computerized database system (see page 1, last paragraph). One or more instructions has to be provided for analyzing and sorting the received representative appointment information since the information is used to maintain and update a set of paper files.

The claimed "providing one or more instructions for saving the received representative appointment information" has to be present for the computerized database system of AAPA to keep track of the received information.

The difference is AAPA does not specifically show presenting an interactive display of the received representative appointment information and allowing interactive

access via the Internet to the displayed and presented received representation information. However, it is well known in the art as shown by Loofbourrow to access human resource knowledge via the Internet (see the abstract, Figure1). Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed interface while implementing the method of AAPA in order to allow ready access to information using the convenience of the Internet as taught by Loofbourrow.

Regarding claim 3, representative status clearly changes over time. Thus, it would have been obvious to one of ordinary skill in the art to include current and pending representative information.

Regarding claim 4, AAPA teaches that representative appointment information change (see 0004). Therefore, it would have been obvious to one of ordinary skill in the art to provide instructions for inputting a date range and for displaying the information modified within said inputted date range in order to keep track of changes during a specific time period.

Regarding claim 5, AAPA teaches submission of updates to the representative appointment information and accepting and processing updates when AAPA shows updates are requires and processed (see 0004).

Regarding claims 6-11, since the method of AAPA is done with support from a computerized database, clearly such a database has to include fields to identify entries regarding a representative appointment. Furthermore, all the claimed fields have to be present since they are critical to track information regarding each representative appointment. AAPA clearly shows the importance of such identification fields when



AAPA shows that "commonly a single appointed representative can be responsible for creating millions of dollars in financial obligations for an appointing insurance company (see 0003).

Claims 12-22, 23-33 correspond respectively to a computer program product and system for performing the method of claims 1-11, thus are rejected for the same reasons stated in claims 1-11 above.

Regarding claim 34, the one or more instructions has to be provided by a user to an application server having a processor module since the method of AAPA and Loofbourrow allows a user to update appointment information over the Internet (see 0004 AAPA and Figure 1 of Loofbourrow).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T. Le whose telephone number is 571-272-4021. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2163

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5 September 2006



**UYEN LE**  
**PRIMARY EXAMINER**